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SPECIAL COMMITTEE ON THE SITUATION WITH REGARD TO THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES

VERBATIM RECORD OF THE 1371st MEETING

Held at Headquarters, New York,
on Tuesdayy, 14 August 1990, at 3 p.m.

Chairman: Mr. SLABY (Czechoslovakia)
(Vice-Chairman)

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In the absence of the Chairman, Mr. Slaby (Czechoslovakia), Vice-Chairman, took the Chair.

The meeting was called to order at 3.25 p.m.

STATEMENT BY THE CHAIRMAN

The CHAIRMAN: I wish to draw members' attention to draft resolution A/AC.109/L.1745, which has been submitted by Norway and relates to the small Territories. The Committee intends to take action on this draft resolution after the conclusion of its consideration of the item entitled "Special Committee decision of 17 August 1989 concerning Puerto Rico". In that connection I wish to draw members' attention also to aide-mémoire 29/90, containing a communication from the Governor of Guam dated 10 August 1990.

SPECIAL COMMITTEE DECISION OF 17 AUGUST 1989 CONCERNING PUERTO RICO (A/AC.109/L.1746) (continued)

The CHAIRMAN: I wish to draw members' attention to addendum 1 to aide-mémoire 28/90.

May I take it that the Committee agrees to accede to the requests of the organizations concerned to be heard by the Committee?

It was so decided.

The CHAIRMAN: We shall now resume the hearings on this item. In this connection, I should like to make one remark. In the light of the decision we have just adopted, we now have 61 petitioners who wish to speak on the subject of Puerto Rico. We heard 10 of them this morning; 51 therefore remain to be heard. I cordially invite them to make their statements shorter and more concise. The Committee would appreciate it very much if they would do so.

At the invitation of the Chairman, Mrs. Zaida Hernández (Partido Nuevo Progresista) took a place at the Committee table.

The CHAIRMAN: I now call on Mrs. Hernández.

Mrs. HERNANDEZ (interpretation from Spanish): My name is Zaida Hernández Torres. I am a lawyer. I was elected to a seat in the House of Representatives of Puerto Rico, and I am also the First Vice-President of the Partido Nuevo Progresista. It is as the official representative of that Party that I am appearing before the Committee today.

I am accompanied by Mr. Carlos Diaz Olivo, a member of the Directorate of the Partido Nuevo Progresista and a professor in the School of Law of the University of Puerto Rico.

The Partido Nuevo Progresista, which has won three of the last six general elections, supports and promotes, as the solution to this humiliating colonial problem, that Puerto Rico join the United States of America as a State, with rights, benefits and responsibilities that are absolutely equal to those enjoyed by our fellow citizens in the 50 States.

(Mrs. Hernández)

Those aspirations can be fulfilled only through statehood or integration, and the exercise of American citizenship, sharing our sovereignty with the other States on a basis of equality and in a true and indissoluble permanent union with the United States.

As a voice and instrument for achieving the full, political, social and economic development of 3.3 million American citizens residing in Puerto Rico, the Partido Nuevo Progresista has the mission of defending, in any forum, those legitimate and urgent aspirations of our people. Therefore, we are glad to take this opportunity given us by the United Nations to bring our message to the international community without implying that we are giving up our efforts to use every mechanism and institution available in the country of which we are citizens to resolve the territorial or colonial problem of our current political status.

One of the myths that have been propagated by the colonialists and the advocates of independence in Puerto Rico is that statehood would mean the loss of our culture, language and traditions, as if achieving all the political rights inherent in the United States citizenship that we have possessed for 73 years, living closely together with the culture of the United States, could transform or eradicate what we Puerto Ricans are and what we shall always continue to be through our Taino, African and Spanish cultural inheritance.

Since it was established in 1967 the Partido Nuevo Progresista has clearly based its position on the belief that the culture and language of Puerto Ricans are not negotiable under any circumstances. There is no conflict between being good Puerto Ricans and good Americans and achieving our goal of first-class American citizenship through statehood.

(Mrs. Hernández)

As I have already said, for 73 years - since 1917 - Puerto Ricans have been citizens of the United States. However, our current territorial or colonial situation, described as Commonwealth, prevents our fully enjoying that citizenship and puts us in a position of inequality and disadvantage.

Our present citizenship, unlike that of the citizens of the 50 States, is partial, incomplete, second class, and it can be taken from us unilaterally, because we do not enjoy the guarantees in the Fourteenth Amendment to the federal Constitution.

Despite our having achieved a standard of living and level of economic development that are satisfactory compared with those of the countries of Latin America, more than 62 per cent of Puerto Ricans live below the poverty line, our per capita income being a little less than half that in the poorest State.

The crux of the political problem of Puerto Rico, which is the matter before the Committee and which the great majority of Puerto Ricans have been trying to resolve with the Congress and federal Government since January 1989, through the organization of a plebiscite on political status, to be held in 1991, is the subjection of the Commonwealth to the territorial clause and its colonial implications.

To be fair, effective and definitive, any process aimed at resolving the problem of our current political status will have to satisfy the essential prerequisite that it exclude Puerto Rico from the territorial clause.

We believe that a genuine solution is to be found only in the context of statehood or independence. The vast majority of Puerto Ricans want to keep United States citizenship, and the only way to do that is through statehood.

(Mrs. Hernández)

The Partido Nuevo Progresista is directing its decolonization efforts at statehood, while the Partido Independentista Puertorriqueño is directing its efforts at independence, although 95 per cent of the Puerto Rican people reject that formula. The Partido Popular insists on blocking a solution to the problem of political status, advocating that the 1991 plebiscite result in a continuation of the same problem - Commonwealth status and its natural link with the territorial clause in the federal Constitution and the lack of political rights in the nation of which we are citizens.

The problem cannot be the alternative to its own solution; a sickness cannot be the medicine; and the territory cannot be the alternative to the territorial problem. That is the case of the Commonwealth formula, which perpetuates Puerto Rico's condition of political inferiority and is therefore unacceptable under international law. The continuation of that territorial formula is definitely no alternative for the people of Puerto Rico in resolving its political status in the 1991 plebiscite.

We wish to draw attention to the fact that so far the congressional Committees that have intervened in the case of Puerto Rico have clearly established that the Commonwealth will continue under United States sovereignty and subject to the territorial clause, even after the plebiscite. We suspect that isolated elements in Congress will, deliberately or involuntarily, play into the hands of the colonialist leaders through semantic or cosmetic arrangements and a redefinition of the Commonwealth, which would be incorporated into the draft plebiscite law.

In that way, the colonialist leaders could deceive the people of Puerto Rico during the plebiscite campaign by making them think that the Commonwealth had ceased to be a territory subject to the discrimination and disadvantages resulting

(Mrs. Hernández)

from the application of the territorial clause, when those will really not be the effects.

We hope that the federal Congress will not permit that deception and will finally hold that the Commonwealth, no matter how many times it is redefined to meet the sterile complacency of the colonialists, would continue to be a colonial territory and to suffer the adverse effects of that condition, which the vast majority of Puerto Ricans are tired of.

We insist that the only way to free the Commonwealth of the territorial clause is to choose statehood or independence.

We wish to draw attention to the fact that as a result of the negotiations that the colonialists are now conducting in Congress to approve a draft plebiscite, two weeks ago the federal Senate's Finance Committee approved amendments to the Senate's Draft 712, which under the Commonwealth will make American citizens of Puerto Rico pay through contributions, bonds and apportionments of the State tax to the federal Treasury all increases in federal social assistance programmes, if the Commonwealth option is chosen in the plebiscite. The amendments introduced under the Commonwealth formula to appear in the 1991 plebiscite amount to making the second-class United States citizens of Puerto Rico make payments to the federal Treasury to be able to continue being merely inhabitants of a colonial territory.

Our shameful political condition, embodied in the Commonwealth status, furthermore permits Puerto Rican workers to be paid lower wages than those paid in the United States, even when our workers are doing the same work and are working the same hours. It also allows the multi-million-dollar corporations that generate the largest part of the wealth on the Island virtually to escape making contributions, while the workers and the middle class bear the biggest part of the burden. That results in a big, absurd injustice in contributions, condemning

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(Mrs. Hernández)

those with the least money to pay the Government contributions that the corporations with the most money do not have to pay.

Commonwealth status is also making tens of thousands of Puerto Ricans leave the Island each year to emigrate to the United States, where they enjoy rights and opportunities as American citizens that they do not have in Puerto Rico, thus encouraging the break-up of families and the exodus of our youngest professional talent.

(Mrs. Hernández)

On the contrary, statehood or political integration has been recognized as a legitimate option in General Assembly resolution 1514 (XV). It has also been selected by various peoples to resolve their problem of undefined political status. This has been the case with Guadeloupe, Martinique and French Guyana, which opted for integration with France in the 1940s. The Netherlands Antilles did the same with Holland, and in 1959 Hawaii and Alaska became states of the United States. These last two cases were noted by the General Assembly in its resolution 1469 (XIV) of 12 December 1959, which recognized statehood as a decolonization formula.

The struggle of Puerto Ricans to achieve political dignity is coming to an end. The United States Government appears to be ready to play its historical role. However, there are still obstacles to be overcome. Not everyone on our island is ready to allow the people to exercise self-determination in the 1991 plebiscite because it seems that statehood would be overwhelmingly supported in that plebiscite, as is confirmed in all independent public opinion polls carried out recently.

Powerful economic circles that fear that their unusually privileged economic position under the Commonwealth arrangement would be affected by such a change are doing everything possible to protect their special interests, even at the cost of the rights and benefits that the people would achieve through statehood.

Those economic circles are spending a great deal of money to advance their selfish cause and are patronizing the colonialist leaders who really do not want the plebiscite and who, if it proves to be inevitable, will try to manipulate concepts such as sovereignty to try to fool the people.

We have to censure as strongly as possible the illegal actions of the Popular Democratic Party now responsible for public administration in Puerto Rico. This party, the unconditional ally of the powerful economic circles I have just alluded

(Mrs. Hernández)

to, and among whose most prominent members we find the majority of the local lawyers and lobbyists for these economic circles, is also trying to perpetuate the territorial status of Puerto Rico by making illegal and immoral use of millions of dollars of public funds.

In this regard our Party and the people of Puerto Rico are grateful for the valiant endeavours of President Bush, who has committed his Administration to making the 1991 plebiscite a reality and thus guaranteeing the right of Puerto Ricans freely to determine their political future.

Although we understand that President Bush's personal preference for statehood as an alternative solution to the colonial problem of Puerto Rico should not be the subject of controversy or pettiness on the part of the detractors of statehood, the New Progressive Party recognizes the expression of the President's personal preference as a constitutional right inherent in his own citizenship and as a responsibility, since he is President of the United States.

This personal preference of the President has placed in the proper perspective before the people of Puerto Rico the readiness of the nation to accept Puerto Rico as a state of the Union if this should prove to be the will of the majority expressed by the Puerto Ricans in the plebiscite.

We should point out that for decades the detractors of statehood have spread the myth that statehood was impossible because the United States Government would never recognize this right and aspiration of the American citizens of Puerto Rico. In fact, the colonialists have actually been manipulating statements by their allies in the United States to promote this irresponsible myth.

What better way can there be to give the lie to such an irresponsible claim than seeing the President himself expressing his personal preference for statehood and at the same time guaranteeing the nation's respect for the will of the Puerto Ricans?

(Mrs. Hernández)

Furthermore, one could overlook the fact that the present political status of Puerto Rico is a problem that is closely shared by the United States, since the Federal Government and its officials are part of the problem and as such have the right and obligation to express themselves on this issue.

We repeat our position that, since the territorial problem of Puerto Rico is a domestic issue between the American citizens of Puerto Rico and the Government of the United States, the United Nations should recognize that our people and that Government are now developing a process that will result in the exercise of self-determination by the Puerto Ricans.

We also understand that the United Nations may have a monitoring role to play so that the process may result in the authentic and definitive decolonization of Puerto Rico through genuine decolonization alternatives, such as statehood and independence. Care should also be taken to ensure that the Puerto Ricans are not deceived into thinking that Commonwealth status is a decolonization formula when in reality such a status maintains Puerto Rico subject to the territorial clause of the United States Constitution and hence prevents the colonial problem of our people from being solved.

We trust that the international community will respect this process and heed the will of the majority of Puerto Ricans, thus making it possible through statehood to achieve equal rights, benefits and responsibilities for Puerto Ricans as first-class United States citizens.

Finally, we should like to propose the following to the United Nations:

First, that it not underwrite the deceptive implications according to which the people of Puerto Rico would enjoy sovereignty under Commonwealth status; secondly, that it bear in mind that the overwhelming majority of the people of Puerto Rico wish to assure and strengthen their United States citizenship through

(Mrs. Hernández)

the full exercise of equal rights, benefits and responsibilities through statehood, that we will not allow anyone to frustrate these aspirations and that we recognize in them an inalienable right for Puerto Ricans as United States citizens; and thirdly, that the process initiated by the political parties of Puerto Rico with the United States Government a year and a half ago to co-ordinate the holding of a plebiscite in 1991 that will guarantee the exercise of self-determination on the issue of the political status of the island should be respected.

That is the very least we can expect from the United Nations.

Similarly, please monitor the situation and condemn anyone who might derail the decolonization process and the urgent exercise of self-determination for Puerto Ricans in 1991.

Mrs. Hernández withdrew.

At the request of the Chairman, Mr. Olaguibeet Lopez Pacheco (Supremo Consejo del Grado 33 Puerto Rico, Inc.) took a place at the Committee table.

Mr. LOPEZ PACHECO (Supremo Consejo del Grado 33 Puerto Rico Inc.) (interpretation from Spanish): Once again, as we have done each year for more than 15 years on behalf of and representing the Supreme Council of Grade 33, the highest, of Puerto Rico, we come before the Special Committee to denounce the colonial situation of Puerto Rico, a nation that was occupied by the United States in 1898 by means of military force and violence.

For almost a century the United States has mercilessly exploited Puerto Rico. The desire for profit, pettiness and unbridled ambition, with the imposition of a political and economic hegemony, have been the main goals of the United States in its relationship with Puerto Rico.

(Mr. Lopez Pacheco)

The United States and its enterprises obtain an annual gain of more than $10 billion from Puerto Rico, and that is a conservative figure.

The United States has unilaterally imposed upon Puerto Rico the 1900 Foraker Act, the 1917 Jones Act, the 1950 Federal Relations Act, Public Law 447 of 3 July 1952, and so forth, without the colony's having been a party to any of those decisions.

The United States has brazenly misinformed the world body, denying that Puerto Rico is a colony. For that purpose, it has asserted that Puerto Ricans were consulted through a plebiscite on their status and that they have chosen to be what they are at the present time, a colony, or, rather, a possession or territory, of the United States.

Now, all of a sudden, they are publicly admitting what they had previously denied, as they prepare a so-called plebiscite whereby, they allege, the people will be able to decide its destiny or political status (plebiscite bill, No. 4765, prepared by the Sub-Committee on International and Insular Affairs of the United States House of Representatives).

Why, one might wonder, is there this sudden change? For no good reason. This is one more trick of the metropolitan country to continue its hegemony over Puerto Rico.

For almost a century the United States has been subjugating Puerto Rico by force, while at the same time subjecting it to the mendacious propaganda that independence, a matter of primary importance for all countries, is bad and harmful for the Puerto Rican people.

During the last 92 years many of us Puerto Ricans who believe in independence for Puerto Rico have suffered persecution, deprivation of freedom and even the murder of the believers in independence and of members of their families.

(Mr. Lopez Pacheco)

Under the direction of the United States Government and its agencies, some of them civilian agencies, such as the Federal Bureau of Investigation (FBI), the Central Intelligence Agency (CIA) and the Office of Special Investigations (OSI), and others which are military, lists of the names of more than 100,000 Puerto Ricans have been compiled; those on the list are labelled as subversives simply because they believe in independence for Puerto Rico.

Those who govern the United States, having acquired great experience in duplicity and deceit, some of them in the aforementioned agencies, know that a people that has been intimidated for almost a century will not lose its fear in a year or two and then dare to vote for independence.

As to another alleged option, that of turning Puerto Rico into a state of the United States, this will not happen. The metropolitan country does not regard Puerto Ricans as its peers, its equals. Moreover - and this is very important for the Committee to bear in mind in its considerations - annexing one country to another is not a natural right as independence is.

From this entire project of the United States Government, only one purpose stands out clearly: the perpetuation of the colony and its exploitation by the United States under the so-called autonomous régime of commonwealth status.

Following the 1950 revolution in Puerto Rico, the United States used another device: changing the name of the colony and referring to it in Spanish as "Estado Libre Asociado", meaning "free associated State". This is a farce, because it is not a State, it is not free and it is not associated. The official version in English does not even resemble these words, for the word is "commonwealth". Since that time, they have tried to convince the United Nations that Puerto Rico is not a colony or possession governed and exploited by the United States.

(Mr. Lopez Pacheco)

More than 15 years earlier, on 25 June 1936, in a public statement, a Puerto Rican, Luis Muñoz Marin, described such autonomy in the following words:

"Autonomy can be a fraud. It can be a system which grants a few additional jobs and a few grand titles to a few more Puerto Ricans, without substantially increasing the power of Puerto Ricans to contend freely with their future and the future of their descendants; that amounts to freedom with a long chain ..."

It shows a lack of respect for a people, for a nation, to ask it whether it wants to be free or whether it wishes to continue to be a colony, no matter by what lofty-sounding name. If the 13 original colonies of the United States had been asked in a plebiscite whether they wanted independence, they would still be colonies of Great Britain.

It runs counter to human rights and to international law - which this Organization is thought to represent - for a country to be subjected to the greed and rapacity of others by means of a vote based on pressure, be it open or "democratic", economic or military.

The only acceptable, logical and respectable solution for Puerto Rico after 92 years of exploitation by the United States is to put an end to the occupation of our nation and to allow us to enjoy our freedom and independence like all other peoples.

In the words of that great Puerto Rican Mason, Antonio Santaella Blanco:

"The right of a people to its political independence is something to be recognized, never to be made the subject of consultations."

(Mr. Lopez Pacheco)

We therefore urge the Committee to keep the case of Puerto Rico under close observation and to see that it is considered by the General Assembly as soon as possible.

Mr. Lopez Pacheco withdrew.

At the invitation of the Chairman, Mr. Rafael Soltero Peralta (Gran Logia Nacional de Puerto Rico) took a place at the Committee table.

The CHAIRMAN: I call on Mr. Rafael Soltero Peralta.

Mr. SOLTERO PERALTA (interpretation from Spanish): First I should identify myself by name. I am Rafael Soltero Peralta. I shall read out our statement on the case of Puerto Rico.

The Gran Logia Nacional de Puerto Rico appears before the Committee now to denounce to the world the farce being attempted by the Government of the United States of America in the form of a plebiscite to be held for the purpose of determining the form of government Puerto Rico is to have. The Gran Logia Nacional rejects, condemns and repudiates the so-called plebiscite because it seems to have no other purpose than to deceive Puerto Ricans for another 30 years. If the plebiscites held in 1952 and 1967 left things practically the same as they had been before, what can be expected of any other plebiscite held under United States domination?

(Mr. Soltero Peralta)

The United States of America did not consult the people of Puerto Rico, a Spanish-speaking nation, when it took our island as the spoils of war in 1898. Since that time, Puerto Ricans who have believed and continue to believe in independence have suffered persecution and imprisonment, as evidenced by the number of Puerto Rican freedom fighters the United States Government is keeping behind bars in Federal prisons. A short time ago, the Civil Rights Commission of Puerto Rico conducted an investigation and published a list of subversives. That list is maintained by both the local and the Federal Governments for purposes of political persecution. Therefore the United States has no moral - let alone legal - authority to conduct a referendum to determine whether or not it will continue to govern our land.

Puerto Rico has never had a chance to govern itself; it has always been a colony, first of Spain and then, for the past 92 years, of the United States. Since Columbus set foot on American soil, it has never had the experience of living under a genuine republican government. When I way "republican", I use the word in the scientific legal sense, referring to the government of a free country, not to a political party.

Any consultation held in Puerto Rico under United States control will maintain the colonial status quo or will favour statehood. There is no doubt that participation in the so-called referendum by those not born in Puerto Rico would facilitate the victory of one of those two options. Nor is there any doubt that the communications and transportation media, which are controlled by the United States, would lean towards what they viewed as the formula most favourable to United States interests. The mere presence of United States authority in the island is decisive with respect to achieving what the metropolitan Power wants. Statements by President Bush favouring statehood for Puerto Rico are clear evidence

(Mr. Soltero Peralta)

of what we are saying and of his wish to exterminate the Puerto Rican nation. This is an act aimed at committing linguistic and cultural genocide against Puerto Rico.

The United States of America must comply with the requirements of international law with respect to decolonization and must transfer all its powers of sovereignty to the people of Puerto Rico. It must permit the country to experience self-government for a time. Only then will the country be able to choose among alternatives representing genuine liberation, with due respect for its nationhood. The period of independence should be no less than five years, during which the metropolitan Power should pay the people of Puerto Rico an annual sum as partial compensation for the damage suffered during the colonial period and an additional sum for the use of the physical facilities dedicated to defence and other activities. At the end of that period, both Powers, by then established on an equal footing, will be in a position to agree on a pact stipulating just and reasonable compensation for damage not yet covered, and on any other reciprocal concessions which will be acceptable to both sides and which will definitively secure the full and stable sovereignty of Puerto Rico.

If the United States rejects such a transfer of powers and such mutually agreed special concessions in its future relationships with Puerto Rico, it will confirm that it does not want to find a solution to the political problem of the Puerto Ricans, which is at the root of the most serious problems of our society.

For the foregoing reasons, the Gran Logia Nacional de Puerto Rico respectfully requests three things of the Special Committee of 24: first, that it should once again require the Government of the United States of America to transfer to Puerto Rico without further delay all powers of sovereignty which it continues at present to exercise illegally and immorally over our country; secondly, that when the transfer has taken place, the Committee should call upon the United States Government to begin a process of transition in the economic and cultural spheres,

(Mr. Soltero Peralta)

pointing out to that Government that this is the Decade for the Eradication of Colonialism, as declared by the General Assembly; and thirdly, that the Special Committee should warn the United States that unless it responds immediately to the aforementioned requirement, the Committee will adopt a resolution transferring the case of Puerto Rico to the General Assembly, recommending that body to adopt at its 1990 session an appropriate resolution in the face of the obstinate refusal of the United States to do what is needed with respect to this issue.

I cannot conclude without conveying the thanks of the Gran Logia Nacional de Puerto Rico and all its member Masons to the representative of Venezuela, who has submitted a draft text of great value for Puerto Rico and who has permitted it to be amended so as to permit only alternatives reflecting sovereignty should there be a referendum. Puerto Rico can no longer continue to be an enslaved country.

Mr. Soltero Peralta withdrew.

At the invitation of the Chairman, Mr. Pablo Marcano-García (Comité Unitario Contra la Represión y por la Defensa de los Presos Politicos) took a place at the Committee table.

The CHAIRMAN: I call on Mr. Marcano-García.

Mr. MARCANO-GARCIA (interpretation from Spanish): Once again, the Comité Unitario Contra la Represión y por la Defensa de los Presos Politicos (CUCRE) has come before this international forum to talk about the colonial situation that has persisted in Puerto Rico for the past 500 years and to exercise our right to denounce the repressive acts being committed against the self-determination of our homeland. We exercise that right year after year because, as stated by Eugenio Maria de Hostos, a citizen of America, in his Social Morality,

> "A right not exercised is not a right; a right not lived is not a right; a passive right is not a right. In order to be in life what it is in the core of our being, a right must be exercised."

(Mr. Marcano-García)

Brothers, Puerto Rico is an invaded island that has been consolidated, but it is a nation that seeks to join in the concert of free and independent nations of the world. It is a nation that expresses itself in a very particular way despite the many difficulties imposed on it. It is a nation that in its centuries-old and historic past has given birth to great sons and daughters, and today it has great compatriots. It is a nation that enjoys a lively, rich history, a nation that has not died despite genocidal attempts against it. Puerto Rico is a nation upon which the gravest and most abject measures of repression have been imposed. Puerto Rico is an exploited, dependent and marginalized nation. Furthermore, in Puerto Rico there exist persecution and attempts to quell any movement of national liberation or independence.

Since the invasion by the United States in 1898, Puerto Rico has given birth to many daughters and sons, too many of whom have had to endure terrible stigma. In addition to our national heroes, many Puerto Rican men and women have given their lives for their homeland in this twentieth century. Their deaths bear testimony to what is happening every day to people in a country seeking liberty.

Today, almost at the end of this century, at the start of a decade that has been called the Decade of Decolonization, we would again recall that one nation has been left behind in the decadent condition of colonialism. We are here because we reject any attempt to undermine our right to self-determination. We have returned to defend that right. We are here to register in the memories of all present the first and last names of all Puerto Rican men and women suffering terrible political persecution, so that you may know how numerous are the political prisoners who are held because they have wanted their homeland - which was also the crime of George Washington, Nelson Mandela and Simon Bolivar.

(Mr. Marcano-García)

They are Carmen Valentín, Carlos Alberto Torres, Haydee Beltran, Jaime Delgado, Alejandrina Torres, Luis Rosa, Ida Luz Rodriguez, Alberto Rodriguez, Alicia Rodriguez, Edwin Cortes, Dylcia Pagan, Ricardo Jimenez, Elizam Escobar, Adolfo Matos Antongiorgi and Oscar Lopez Rivera. Oscar Lopez Rivera is in complete isolation in the Federal Penitentiary in Marion, which is one of the two United States prisons technically equipped to carry out psychological torture.

As this Committee knows, in Puerto Rico there are 125,000 files on activists fighting for independence who have been watched and threatened by the colonial Government. We have people pleading for independence who have been accused and persecuted by the FBI: Norberto Gonzalez Claudio, Avelino Gonzalez Claudio, Victor Gerena, Luis Rosado Ayala and Roberto José Todd. Others have been threatened by the Grand Jury, such as Carlos Alejandro and Samuel Sanchez.

A Puerto Rico named Guillermo Morales is in exile in Cuba. The Committee must know that in 1985 and 1986 the FBI carried out investigations that resulted in the gaoling of three persons: Luiz M. Berrios, Juan B. Segarra Palmer and Antonio Camacho Negron. Two people have been sentenced and appealed the court decision: Norman Ramirez Talavera and Roberto José Maldonado. Nine await judgement: Isaac Camacho Negron, Luis Alfredo Colon Osorio, Ivonne Melendez Carrion, Hilton Fernandez Diamante, Filiberto Ojedo Rios, Angel Diaz Ruiz, Joge A. Farinacci Garcia, Orlando Gonzalez Claudio and Elias Samuel Castro.

The Committee must also know that the most recent atrocity perpetrated by the United States was the prohibition, after 10 years in prison, of visits by one of the prisoners-of-war, Ricardo Jimenez, to his sick mother; furthermore, he was not allowed to attend her funeral.

How much more must Puerto Rico pay?

(Mr. Marcano-García)

Part of our mission has been fulfilled. We have not come here to move you but rather to make you aware of the kind of destiny Puerto Rico deserves, and we are doing this at a time when the United Nations has adopted a resolution condemning military intervention in Kuwait. We ask you why there is no similar resolution with regard to the case of Puerto Rico.

In the mean time the United States is allowed to convince the international community with regard to what might be a completely ineffective and false plebiscite. If the United States truly had good itentions, there would be no Puerto Ricans in United States gaols, nor would there be stepped-up repression by United States federal agencies of the kind that has occurred in recent months in Puerto Rico. Nor would there be attempts to remove the case of our homeland from the agenda of the Committee on Decolonization.

The cries of "Cease repression!" were silenced in El Salvador, and Puerto Rico's patriots are suffering the same fate.

Hostos guided us here: in his Moral Social he taught us that one can carry out the duty of supporting rights when we see them being denied others, and that we must be guided by the principle that a right denied one person is a right denied everyone.

I should like to ask whether the meetings being held today are public. This morning a rather large group of Puerto Ricans was prevented from entering this chamber. The person in charge of security said there was no space in the gallery, though all who were here well knew a large number of seats were available. This afternoon another group of Puerto Ricans who have come from Puerto Rico and from Chicago and other parts of the United States have been unable to enter this diplomatic chamber. We wonder whether you are aware of this situation, Mr. Chairman, since this constitutes further unnecessary, unjustified aggravation for all who are affected by the situation.

The CHAIRMAN: I should like to assure Mr. Marcano-García that we have noted his remarks. We will check into this, and give him an answer as soon as possible.

The petitioner withdrew.

At the invitation of the Chairman, Mrs. Awilda Palau (Comité Puertorriqueño de Intelectuales, Comité Puertorriqueño de Reafirmación del Idioma Español) took a place at the Committee table.

Mrs. PALAU (interpretation from Spanish): I am Awilda Palau. I am presenting this statement on behalf of the Comité Puertorriqueño de Intelectuales and the Comité Puertorriqueño de Reafirmación del Idioma Español.

(Mrs. Palau)

I am accompanied by representatives of the various groups supporting us, and I should like to introduce them: Dr. Soltero Peralta, representing the Gran Logia Nacional de Puerto Rico; Professor Meléndez of the Asociación Puertorriqueña de Profesores Universitarios; Mr. Carlos Vizcarrondo of PROELA; Mr. Manuel Feliciano of the Gran Oriente Nacional de Puerto Rico; Mr. Irving Flores Jiménez, representing himself and our homeland; and Mr. Alexis Massol of the Taller de Arte y Cultura. Mr. Morales Coll of the Ateneo Puertorriqueño is not present as he was rushed to hospital.

In the effort to defend our language, we are all equal in all respects. Therefore, before reading out this statement, I ask the 70 persons who signed it and are here with us - many of whom will give statements on the great divisions between us on how to resolve our status - to stand, so that my voice and the voices of those who are now accompanying us will be the voice of all, in the name of Puerto Rico. We wish to stand up and say that Spanish is not negotiable. I would ask for any other person present who wishes to support us to stand and accompany us, in silence.

The Comité Puertorriqueño de Reafirmación del Idioma Espanol is the logical result of the initiative and efforts of the Comité Puertorriqueño de Intelectuales, which has come before the Special Committee on decolonization several times in the past to defend the right of the Puerto Rican people to preserve its culture and language and to establish the cultural exchanges on an individual and collective level that we Puerto Ricans feel necessary and desirable, without the intervention of any other nation.

Taking into account the new situation in the political panorama of Puerto Rico and the hopes for a beginning of the process of decolonization of our people, the Comité Puertorriqueño de Intelectuales took the initiative of establishing a committee that would be as representative as possible of all political, religious,

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cultural, social, educational and economic trends in the country and could clearly show the love that our people bears for its language and demonstrate nationally and internationally that for us, all Puerto Ricans, those on the island and those in the diaspora, that language is not negotiable.

The response to this united appeal was quick in coming. With the greatest patriotic feeling and pride in Puerto Rico, people of the widest range of opinions came together in support of the initiative. Recognizing that we are all equal in this, because the language belongs to us all and we to it, the Comité Puertorriqueño de Reafirmacíon del Idioma Espanol has enjoyed the support of a very broad variety of groups and opinions.

In the next few months, we will work tirelessly to achieve a consensus that the language is the true epxression of all the people. For that reason, one of our main campaigns is to collect hundreds of thousands of signatures from Puerto Ricans, who will thus be carrying out their own referendum on the express desire to guarantee the permanence of our language, regardless of the political decision ultimately made. We appear before the Committee now supported by more than 2,000 signatures from Puerto Rico and more than 1,000 from the United States - from New York, Chicago, Detroit and New Jersey - which we know will be accompanied by tens of thousands more in the coming year.

Among the signatures of support we have gathered from Puerto Rico are those of Governor Hernández Colón and dozens of leaders of the Partido Popular Democrático; those of the two Vice-Presidents of the Partido Nuevo Progresista, Ms. Zayda Hernández - who has just addressed the Committee - and Dr. Pedro Roselló, and dozens of leaders of that party; those of the President of the Partido Independentista Puertorriqueño, Dr. Rubén Berríos Martínez, and dozens of leaders of that party; that of the Secretary-General of the Partido Socialista Puertorriqueño, Mr. Carlos Gallisá; that of the President of the Asociación de

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Alcaldes, which groups together all the municipalities whose mayors belong to the Partido Popular; and that of the Executive Director of the Federación de Municipios, which groups together other municipalities whose mayors belong to the Partido Nuevo Progresista. We also have the support of the most prominent trade-union leaders of the country; of the presidents or rectors of almost all the universities in the country; of the presidents of the most prestigious cultural and educational institutions and professional groups, all of which contain persons of a broad range of beliefs and opinions; and hundreds of signatures from private citizens.

The need to make this consensus known at the levels where decisions are taken in Puerto Rico has been an important task. We sent an initial letter to members of the House of Representatives of the United States who were present at the hearings of Puerto Ricans on the draft laws to govern the proposed plebiscite. Our second letter, which is the basis for this statement, was sent to the representatives of the 24 member States of the Special Committee on decolonization. We shall soon send such letters to all members of the United States Congress, with many more thousands of signatures.

The Puerto Rican people has not decided its political situation or its so-called political status. There are various formulas being put forward before public opinion: independence, autonomy, free association or federal statehood in the United States.

Apart from the differences we may have concerning the ultimate political future of the Puerto Rican people and the mechanisms for achieving it; apart from our positions with respect to the appropriateness of learning more than one language and the best time to begin doing so; apart from the fact that we recognize that English is very useful in the world of commerce and technology and that it enriches us culturally; recognizing that the power to define official languages in

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all countries ultimately lies with their highest representative bodies, though in the particular case of the United States of America the Constitution does not pronounce itself on that; representing many political, educational, professional, civil and cultural organizations of a broad range of opinion, we call attention to the fact that for the Puerto Rican people, individually and collectively, the Spanish language is not negotiable in any circumstance or formula of status.

Whatever the proposed mechanisms, whatever the results of the process used to resolve the political situation of Puerto Rico, it will be necessary to recognize the legal and moral right of our people to use Spanish as the definitive and defining language of our reality in official use, in our entire political, judicial, educational, economic, social and cultural life, and in all status formulas.

The struggle to keep our language has already seen 92 years of active, fruitful work. On that issue, we are united above and beyond any other consideration. Whether there is or is not a plebiscite of the Puerto Rican people; whether some decide to participate in it and others not; whether the right of expression through the vote is recognized for all Puerto Rican nationals or is denied them; whether or not new parameters are established to initiate the decolonization process of Puerto Rico; whether it is considered an internal matter between the United States and Puerto Rico or an international issue for the international community; whatever happens, in the forthcoming months the question of the Spanish language as the native tongue of the Puerto Ricans is not in question. The simple reality in Puerto Rico today is that the Spanish language is not negotiable under any status formula.

(Mrs. Palau)

We request that the Committee take into consideration this position, which we understand to be of the highest importance because it is at the very heart of the cultural integrity of the Puerto Rican people.

Mrs. Palau withdrew.

At the invitation of the Chairman, Mr. J. A. González González (Fundación Andres Figueroa Cordero) took a place at the Committee table.

The CHAIRMAN: I now call on Mr. Gonzalez Gonzalez.

Mr. GONZALEZ GONZALEZ (interpretation from Spanish): My name is J. A. González González. The Andres Figueroa Cordero Foundation, on whose behalf I am speaking, has done me the great honour of allowing me to participate in the discussion of the colonial case of Puerto Rico. The Foundation, located in New York City, was established in 1980 in honour of the Puerto Rican hero Andres Figueroa Cordero, one of the four patriots who in March 1954, boldly and with revolutionary eloquence, took the guerrilla war to the very heart of the country that has subjugated us, to the Congress of the United States of America. The other heroes are Lolita Lebron, Irving Flores and Rafael Cancel Miranda.

Before I enter into the substance of the subject before us, allow me to extend a cordial greeting and a warm embrace to the people and Government of Namibia on having achieved freedom after so many years of cruel struggle, after so much bloodshed, so much oppression and so many sacrifices. There can be no doubt whatsoever that Namibia will continue to be a source of inspiration to the peoples, such as ours, that are still enslaved. We wish also to convey a cordial greeting to the long-suffering majority of the South African people and its vanguard movement, the African National Congress of South Africa (ANC), and to the heroic Palestinian people and its Palestine Liberation Organization (PLO), on their continuing difficult struggle to achieve freedom. Finally, permit us to hail, in our homeland, the Partido Nacionalista Puertorriqueno, which has been a beacon throughout this century of struggle against the enemy that is occupying our land and all our lives; and, also in our country, the Macheteros, an organization which, among other things, managed in January 1981 to destroy several aircraft of the enemy, in its own air base, with a total loss of a little less than $50 million.

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We do not intend today to go back into the history of Puerto Rico or to speak about social, economic, military or other questions. We shall not even refer to the Roosevelt Roads nuclear base, whose existence constitutes a crass violation of the Treaty of Tlatelolco. Nor shall we mention the fact that our nation has been used as a base of aggression against all the countries of the Caribbean Basin - from Cuba to Nicaragua, from the Dominican Republic to Panama. Such acts of aggressions have occurred and they could well occur in the future against these and other countries of the area. No one is safe in the Caribbean Basin.

Our primary intention is to place before this Committee for its consideration the contents of a proposal that was read out in the City of Mayaguez on 12 March this year during the public hearings that were held in that city on a so-called plebiscite which, according to the country that oppresses us, is to take place in Puerto Rico in 1991, 1992 or 1993. It is my understanding that the Committee of 24 has no official knowledge of such a plebiscite, since the United States Government has not taken the trouble to inform the Committee of it. These public hearings were entrusted to a Committee of the House of Representatives of the United States Congress. The Committee was made up of various representatives of the United States, a free, sovereign and independent country; the representative of Guam, a colony; the representative of Eastern Samoa, a colony; the representative of the United States Virgin Islands, a colony; and the representative of Puerto Rico, a colony. The representative of the United States Virgin Islands presided over the Committee. The proposal was addressed to the Congressmen, and this is its text:

"I have not come here to speak about questions of language or culture, of religion or the philosophy of life, of history or the struggles of our people for the political and human dignity that has always been denied us. I have not come here, finally, to talk about those things which throughout the

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centuries have turned us into a homogeneous, well-defined and spiritually vibrant nation. I have come here to raise some questions, to express my feelings on whether or not there will be a plebiscite, and, with all due respect, to suggest an alternative to this plebiscite imbroglio. This alternative, as I understand it, is unchallengeable from the standpoint of international jurisprudence. You will be the judges.

"Will there be a plebiscite? What will be the true purpose and what will be the seeming purpose? Who will be the true drafters of the plebiscite? Who will participate in it? I have no doubt whatsoever that if the United States wants a plebiscite, there will be a plebiscite. After all, everyone is aware that it is that country which governs Puerto Rico and not the Puerto Rican people. Therefore, the United States does not have to consult us about the holding of any plebiscite. Did the United States consult us before it established on our soil two atomic bases: Ramey Field or Roosevelt Roads? Were we consulted before the fraudulent plebiscites of 1952 and 1967 were held? Everyone knows that we were not consulted. That behaviour accords with the well-known law that has always governed relations between the master and the slave: the master says 'I order' and the slave says 'I obey'. But between the 'I order' of the master and the 'I obey' of the slave there are the words 'I do not obey' of those who, like me, belong to the group of rebel slaves. It is we who constitute the problem, the obstacle, the rock in the middle of the road.

"If you want us, the rebel slaves, to participate, you will have to make sure that this plebiscite fully conforms with the international jurisprudence on the decolonization of colonial peoples and countries. I am referring to the United Nations, to the transfer of powers before the plebiscite, to

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General Assembly resolution 1514 (XV), and to the resolutions on Puerto Rico which the Committee of 24 has been adopting since 1972 and which the General Assembly has endorsed without changing a word, a full stop or a comma. If you do not comply with this international juridprudence, the rebel slaves will not participate.

"But since there is no one so deaf as he who does not wish to hear, I am convinced that the United States Congress will reject that international jurisprudence and, in its place, will use the other international jurisprudence, the international jurisprudence to which it is accustomed. I am referring to the jurisprudence of the club, of veiled and not-so-veiled threats, of persecution and of fear. So God's in his Heaven, and all's right with the world! And a plebiscite there will be. It will be drafted in the offices of the White House, of Wall Street and of the Pentagon. And we, the rebel slaves, will not participate.

"But none of this has to happen. It does not have to happen because there is an alternative which is unchallengeable under the international jurisprudence. That alternative is for the United States Congress to adopt a resolution made up not of the usual two parts but of three parts.

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"The first part, the 'whereas', could include the following two clauses: Whereas the natural law of human beings is freedom and that of peoples and nations is independence ... whereas the time has come for the Republic of the United States of America to return to the people of Puerto Rico all the powers of which it has been deprived ever since 1898, and so on.

"The second part, the 'therefore', should consist of a single article, as follows: Therefore, the Congress of the Republic of the United States of America decides to declare Puerto Rico to be a free, sovereign and independent nation, effective on 12 October 1992 or 19 November 1993, so that the Puerto Rican people, in the free exercise of its sovereign rights, may exercise the right to self-determination - that is, that it may determine its own future, as has been done, is done and will continue to be done by all the free countries of the world.

"The third part, which will not be de jure an integral part of the first and second parts, will say: The Congress of the Republic of the United States of America trusts that five years after the dawn of freedom, the Government of the Republic of Puerto Rico will hold a referendum in which the Puerto Rican people will be asked, in the exercise of its sovereign rights, to answer the following questions. First, does the people of Puerto Rico want to call upon the United States to accept Puerto Rico as a State belonging to the Union? Secondly, does the people of Puerto Rico want to change its status to that of Commonwealth as defined in United Nations General Assembly resolution 1541 (XV), and to ask the United States to accept that status for Puerto Rico? Thirdly, does the people of Puerto Rico want to ask the United States to accept Puerto Rico as a colonial Territory having a status identical or similar to that that it had during the period of the so-called Commonwealth?

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"It will be seen, Congressmen, that the result of that referendum, held five years after the attainment of independence, could not be overturned, since it would be in perfect harmony with international law. No one outside Puerto Rico could oppose it. The decision of the sovereign Puerto Rican people would rule supreme, and there could be no appeal against it. Who within Puerto Rico could oppose it? I think no one, because if the colonialists of the Partido Popular Democratico believe in what they are preaching they will see in the referendum the opportunity to prove the correctness of their forecasts. I ask again, who in Puerto Rico could be opposed? No one, I believe, because if the "pitiyanquis" of the Partido Nuevo Progresista truly believe in what they advocate they will see in the referendum an opportunity to show that the people of Puerto Rico, ashamed of itself, of its Hispano-American culture, its history, its language and everything that separates a well-defined and proud people from the ill-defined and colourless masses, has always aspired to become diluted and to disappear as a nation within a huge country, whose outstanding virtues are materialism, money and brute force.

"It will therefore be seen, Congressmen, that independence closes no doors. Your duty is to free Puerto Rico, since you have the power to do that. Our duty is to decide what we want to do with our future, with our homeland, after we have become a free, sovereign and independent nation, since we shall then have the power to do that."

That was the statement read out in the Theatre Yagüez, in Mayagüez, Puerto Rico, on 12 March this year during the public hearings held in that city. We believe that it is also valid with regard to the other colonial Territories that the Committee is considering.

(Mr. González González)

Since this is the first time our organization, the Fundacion Andres Figueroa Cordero, has appeared before the Committee, we do not wish to conclude without expressing to some of the Committee's members our great gratitude for what they have said in the past to foster Puerto Rico's independence.

First, we thank the Republic of Mali for having sponsored in 1973 and 1975 draft resolutions on the colonial case of Puerto Rico, contained in documents A/AC.109/L.900 and A/AC.109/L.1055, which reaffirm the inalienable right of Puerto Rico to its independence and self-determination, in accordance with resolution 1514 (XV).

Secondly, we thank the People's Republic of China for its beautiful words about Puerto Rico, which began as follows:

> "The Chinese delegation would like to make a few remarks on the question of Puerto Rico.
>
> "Many facts have shown that Puerto Rico is actually a colony of the United States. The Puerto Rican people's struggle for national independence is a just one, and the Special Committee on decolonization should support it." (A/AC.109/PV.883, p. 18)

Thirdly, our thanks go to the Republic of Chile, a sister people, Hispano-American like ourselves, for having voted for, among other things, draft resolution A/AC.109/L.900, together with countries such as India, Mali, the People's Republic of China and Yugoslavia, as can be seen on page 2 of document A/AC.109/PV.948.

In order not to speak for too long, I conclude by thanking Yugoslavia, not only for having voted for draft resolution A/AC.109/L.900, as I have said, but for the just words spoken by its representative on the subject of Puerto Rico, as follows:

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"The Yugoslav delegation is also convinced that the peoples of Puerto Rico, East Timor and Belize as well as those of other colonial Territories should achieve their inalienable right to self-determination and independence in accordance with resolution 1514 (XV) of 1960 and in conformity with the views and decisions of the summit and ministerial meetings of the non-aligned countries." (A/AC.109/PV.1172, p. 47)

We urge those countries - Yugoslavia, Mali, Chile, India and the People's Republic of China - recalling their good work in favour of Puerto Rico's right to independence and self-determination, once again to support our people in its struggle to enjoy freedom, something we have never known in almost 500 years of colonialism. We do this with great respect and great affection, but also very firmly.

Mr. González González withdrew.

At the invitation of the Chairman, Mr. Luis Nieves Falcón (International League for the Rights and Liberation of Peoples) took a place at the Committee table.

The CHAIRMAN: I call on Mr. Nieves Falcón.

Mr. NIEVES FALCON (International League for the Rights and Liberation of Peoples) (interpretation from Spanish): My name is Luis Nieves Falcón and I am speaking on behalf of the International League for the Rights and Liberation of Peoples, a non-governmental organization.

Our current concern with regard to Puerto Rico is nationality and culture. Colonialism is a crime against mankind because, inter alia, it deprives peoples of their nationality, which is equivalent to saying that it deprives them of their collective identity. It is an assault upon their culture in the most profound sense of the word, a form of genocide.

Puerto Rico was robbed of its nationality 92 years ago. At present its culture is in danger of perishing since our colonial experience shows that the longer we are subjected to the laws and policies of the United States the more difficult it will be to affirm and develop our Caribbean and Latin American culture. Hawaii's experience shows that a culture, no less than a nationality, requires autonomy in order to develop, and when it cannot develop it perishes.

The best barometer for assessing the destiny of our culture is the problem of language in Puerto Rico. No Puerto Rican, irrespective of his or her political status preference, wishes to go back to the time when the use of the English language was imposed upon us by force. This by no means reflects any animosity whatever against the language of Shakespeare or Whitman but, rather, the awareness that English is not the expression of our own culture. However, when honest Puerto Ricans who sincerely believe that statehood would bring about prosperity and security to our people ask the United States Congress to grant this very minimal

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guarantee of our cultural identity - that is, that the requirement that Spanish remain our official language - United States congressmen reject that request.

For the United States there is no logic in having a state with a different language. But our language shows that we are a separate people and that the continuing relationship between our island and the United States is really maintained by force and destined to end in either abject subjugation or bitter confrontation.

Some of the more conservative United States journalists have warned their country against the idea of assimilating an alien people - referring to Puerto Rico - because they thought it might become another Quebec or Northern Ireland.

The journalist, Patrick Buchanan, has spoken against statehood for Puerto Rico, saying that there is a group of Puerto Rican nationalists that would never accept assimilation.

Certainly, we do have nationalists. Eighteen of those - seven women and 11 men - are currently in United States gaols because they took part in the struggle for independence in order to ensure the preservation of the Puerto Rican identity. In addition, another 11 are about to be tried, or expect to be sentenced, for the same reason. Those who are in prison are facing an average term of 61 years.

The International League for the Rights and Liberation of Peoples is in duty bound to inform you of the fact that our investigations, based on personal visits, telephone calls, correspondence with the prisoners and meetings with representatives of the United States Prison Administration, show that these prisoners are at this time living in conditions that are in violation of United Nations minimal standards for the treatment of prisoners: the Convention against Torture, the Geneva Convention and its Additional Protocols, the Universal Declaration of Human Rights, the American Declaration of Human Rights and Duties, and in many cases the rules and regulations enacted by the United States Prison

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Administration itself. But the main concern today is not the specific condition of these prisoners or the violations of their human rights but, rather, what that means for the United States and for the process of self-determination.

The practice of criminalizing participation in our struggle for independence - which is the expression not only of a preference for a political status but also of our wish to preserve our identity as a people - is a form of coercion making it impossible truly to exercise self-determination.

The presence of these prisoners in United States gaols and their cruel, inhuman and degrading treatment is having an impact on our culture that goes far beyond the number of such prisoners. The shadow of their suffering is growing in the consciousness of all Puerto Ricans, who have learned practically from birth the high price extracted by the colonial Power on one's expression of love for one's homeland, in particular from those who take part in the struggle for independence.

International law, which represents the collective moral wisdom of the community of nations, recognizes the fact that a people subjected to colonialism cannot freely exercise its right to self-determination.

Colonialism is based on a body of laws that impose economic and political relations of inequality and subordination. Its sphere of operation is not confined to legislative bodies or to courts. Its impact is generalized: in the school, the market-place, the public forum, the ballot-box and family life.

Through nine decades of United States colonialism, Puerto Ricans have struggled and sacrificed in order to preserve their identity as a people and a nation. After decades of terrible repression and of planned murders by the colonial Power to undermine those who believe in independence, it is not surprising that our people does not enjoy the degree of freedom necessary to choose the political option of independence. As is well known, this is because colonialism has

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learned to perpetuate itself by invading the cultural environment and by conditioning our hearts and minds, as well as our political conduct and behaviour.

It is precisely because of this situation of the Puerto Rican people that collective wisdom, as expressed in international law, requires a transfer of powers to the Puerto Rican people before any decolonization process can be carried out. It must also be clearly specified that such a process can be conducted only in a climate free of all coercion, be it moral, political, military or economic.

The International League for the Rights and Freedom of Peoples urges the Committee, as the representative of this collective wisdom we have mentioned, to remain vigilant with regard to the case of Puerto Rico until such time as the people of Puerto Rico are allowed to exercise these powers to be transferred to it in order to ensure that any referendum regarding its political status is a genuine expression of the will of the people.

Furthermore, we maintain that a general policy of amnesty and release of all the Puerto Ricans who have been imprisoned, or are about to be sentenced, merely because of their defence of the independence of Puerto Rico is an essential step in this process of self-determination.

Mr. Nieves Falcon withdrew.

At the invitation of the Chairman, Mr. Luis Amauri Suarez Zayas (Comité de Organizaciones Sindicales) took a place at the Committee table.

The CHAIRMAN (interpretation from Arabic): I call on Mr. Suarez Zayas.

Mr. SUAREZ ZAYAS (Comite de Organizaciones Sindicales) (interpretation from Spanish): My name is Luis Amauri Suarez Zayas. I am Secretary-General of the General Council of Workers and Co-ordinator of the Committee of Trade Union Organizations.

(Mr. Suarez Zayas)

I am accompanied by Luis Carrion, member of the management of the Federation of Labour of Puerto Rico, a body bringing together the unions of the AFL-CIO in Puerto Rico; and Dwight Rodriguez, Vice-Chairman of the Central Puertorriqueña de Trabajadores.

We are appearing for the second consecutive year before this body, representing the Committee of Trade Union Organizations (CTUO), a body uniting the integrated action of the various sectors and tendencies of the Puerto Rican Trade Union Movement. The CTUO consists of more than 60 unions representing over 150,000 workers in Puerto Rico.

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On behalf of those trade union members and the entire Puerto Rican working class, we are grateful for the opportunity to set forth to the Committee the position of the Puerto Rican trade union movement on the colonial system which afflicts the Puerto Rican people and the urgent need to put this to an end as quickly as possible so that Puerto Rico may decide its political future in a free and sovereign manner.

As we know, the colonial domination exercised by the United States since the 1898 invasion was supposed to end with the establishment of the Commonwealth of Puerto Rico, in 1952, as reported by the President of the United States to the United Nations General Assembly just before the adoption of General Assembly resolution 748 (VIII), declaring that Puerto Rico had ceased to be a United States colony and had become an autonomous State.

Time has shown that the colonial relationship has remained unchanged; this was recognized by this Committee for the first time in 1972, and annually since 1978, with the adoption of resolutions supporting self-determination and independence for Puerto Rico and keeping the issue under consideration.

Although this relationship of political, juridical and economic dependence on the United States continues deeply and adversely to affect our life as a people in all areas and all social classes, it is the working sector - the largest of our country - that has been affected most negatively by the consequences of the colonial experience.

Particularly during the last 40 years of this colonial domination - the period of the so-called Commonwealth - a strategy of economic development called "Operación Manos a la Obra", has been in force. This strategy has been very lucrative for United States corporations operating in Puerto Rico; they enjoy a variety of privileges, but broad sectors of our population have been very adversely affected.

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While these corporations annually receive exhorbitant profits - more than $6 billion, of which they reinvest only a very small part in our country - 40 years after the establishment of this economic model of colonial exploitation, more than 50 per cent of our population, 1.5 million citizens, still live in extreme poverty and dependence, 62 per cent receiving some sort of public assistance and chronic unemployment persisting despite the massive emigration to the United States of Puerto Rican families, which are mostly of working class origin, induced to do so by successive colonial Governments.

In addition, these same foreign corporations are pillaging and harming our natural resources, contaminating our environment and intensively utilizing our economic infrastructure, for which they pay hardly anything. For the working class, the colonial situation has also meant the unilateral imposition of United States labour laws - called federal laws in Puerto Rico - including the anti-labour law known as the Taft-Hartley Law. This law, which has been repudiated by the United States labour movement and characterized by a Sub-Committee of the United States House of Representatives as a failure and a betrayal of American workers, is the main obstacle to the development of the trade union movement in Puerto Rico.

A similar role has been played by all the United States institutions in Puerto Rico, particularly the so-called Federal Tribunal, whose decisions continually impinge upon the rights of workers and our collective interests while defending the interests of the military-industrial complex operating in Puerto Rico.

At this time, the United States Congress is considering two bills to carry out the holding of a plebiscite in Puerto Rico in June 1991. Despite the rhetoric of President Bush and the Congress on the need to consult our people and for our people to exercise its right to self-determination, there is no desire for

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decolonization on the part of the United States Government. It is not ready to transfer unilaterally the powers it exercises over Puerto Rico, a prerequisite for resolving our colonial problem; nor is it ready to recognize and permit the United Nations participation in the decolonization process.

In addition, the plebiscite legislation being discussed in various committees of the Congress seeks to keep among the options to be offered to Puerto Rico a so-called improved commonwealth status which would retain the same colonial character as is now in place; nor does this legislation provide for any commitment on the part of the United States Congress to heed the will of our people.

In addition to all the aforementioned, there is another factor that further detracts from the quality of the plebiscite process organized by the United States: the repeated and untimely improper interventions of President Bush in favour of statehood, something which is highly deplorable.

In the final analysis, what the United States Government wants is to consult our people, allowing for the United States Government itself to establish all the rules of the game and to retain the sovereignty it exercises over Puerto Rico in order to perpetuate its colonial domination, as it did in 1952 and 1967.

For the Puerto Rican trade union movement, it is very clear that, if there is a real desire to resolve the colonial problem of Puerto Rico, it is not enough to hold plebiscites and referendums as in the past.

It is well known, in addition, that the process which culminated in the creation of the Commonwealth in 1952 did not resolve our colonial problem; nor was it resolved by the plebiscite held in 1967. In addition, during both processes, the colonial Government and the repressive agencies of the United States Government intervened to guarantee the perpetuation of the colonial status. In order for the will of our people to be expressed in a free and sovereign manner, it is necessary

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that the United States Government transfer to Puerto Rico all the powers it holds today. Only in this way can there be a true decolonizing process in compliance with the prerequisities of international law.

We request that the Committee reaffirm the inalienable right of our people to self-determination, in accordance with General Assembly resolution 1514 (XV). Similarly, it should reaffirm that any form of association between the United States and Puerto Rico must be on a footing of real political equality, for which purpose the United States Government should first transfer to Puerto Rico all of its sovereign powers. In other words, the decolonization process of our country should be carried out following the norms and principles that have been established by the United Nations and under strict United Nations supervision. The importance of United Nations participation in this process has already been recognized and called for by two of the three international trade union movements of the world.

On 4 July last, precisely on the day commemorating the independence of the United States, the World Trade Union Federation issued a Declaration demanding the prior transfer of powers to the Puerto Rican people by the United States and United Nations participation in the decolonization process. The World Confederation of Labour also adopted the same position.

In the United States, the Labour Council for Latin American Advancement, a labour organization of the AFL-CIO, with more than 1.2 million workers of Latin American origin living in this country, adopted a resolution demanding that the United States accept the intervention of the United Nations in the case of Puerto Rico, just as it did in resolving other colonial problems.

(Mr. Suarez Zayas)

Before concluding, I wish to communicate to the Committee two positions adopted this year by the Puerto Rican trade union movement.

First of all, irrespective of our individual preferences on the final solution to the colonial problem - independence, Commonwealth status or statehood - the Spanish language is not negotiable.

Secondly, Puerto Rico is a nation which has been the victim of unilateral intervention by the United States since 1988, and we Puerto Ricans are a people artificially divided as a consequence of the massive emigration of Puerto Ricans to the United States engineered by successive colonial Governments and by the metropolitan Power. That exodus has served both as an escape valve for reducing the social pressures brought about by the colonial exploitation of Puerto Rico and as a systematic way of importing cheap labour to fill the gaps in United States technological and industrial development. For that reason our compatriots in the United States have every right to participate in the process of decolonizing our country. In a referendum fully conforming to international law and supervised by the United Nations, the Puerto Ricans of the island and our United States compatriots should have the right to vote, while foreigners living in our country should be excluded from participation; these foreigners, as United States citizens, have voted in the past and the United States wishes to permit them to vote again in the future referendum.

We wish once again to thank the Committee for this opportunity to address it, and we urge it to visit our homeland as part of its important work, especially in the current decade, which has been proclaimed by the General Assembly as the International Decade for the Eradication of Colonialism.

Mr. Suarez Zayas withdrew.

At the invitation of the Chairman, Mr. Filiberto Ojeda Ríos (Ejército Popular Boricua) took a place at the Committee table.

The CHAIRMAN: I call on Mr. Ojeda Ríos.

Mr. OJEDA RIOS (interpretation from Spanish): My name is Filiberto Ojeda Ríos and I represent the Ejército Popular Boricua, better known in our homeland as Los Macheteros, a name given us by a group of patriots who confronted the United States army in 1898 when that army invaded and militarily occupied our homeland, imposing itself by force of arms as the new guardian of the old colonial system.

The Ejercito Popular Boricua has been the victim of criminal persecution and repression because of its militant and patriotic position in exercising the right to struggle for what is legitimately ours but which has been taken away by the violence and deceit of those who today occupy our territory and impose a colonial relationship of exploitation.

Article I of the Charter states that among the purposes of the United Nations are to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples and to achieve co-operation in solving international problems of economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction.

The Universal Declaration of Human Rights too affirms that recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world. It recognizes the right of peoples to rebel against tyranny and oppression and states that human rights must be protected by the rule of law. The Declaration's article 9 states that no one shall be subjected to arbitrary arrest, detention or exile.

(Mr. Ojeda Ríos)

When the people of Puerto Rico were working in this forum to gain recognition of our right to independence, the United States Government hatched and carried out manoeuvres, including immoral pressure, to impose its own interests over the feelings of our people and the opinion of the international community. Its aim has always been to prevent the General Assembly from altering the colonial fate of the Puerto Rican people. And all members know that colonialism has been described here as one of the worst expressions of the violation of human rights in the history of mankind.

The shameful resolution 748 (VIII) adopted by at the General Assembly at its eighth session was subsequently recognized as a mistake when the Committee on decolonization included the case of Puerto Rico in its work. That resolution is clear evidence of the criminal, abusive and deceitful policy of the Government of the United States with regard to anything concerning our people's legitimate liberation struggle. It was the outcome of United States blackmail against weak countries, particularly those of Latin America, whose dependence upon the United States economic system is well known. It then imposed a colonial referendum upon our people, and shamelessly deceived this Committee with a fantastical so-called referendum that led to the establishment of what has come to be called the Commonwealth of Puerto Rico. That deceitful manoeuvre by the United States Government, by which it attempted to give the impression that our homeland had carried out an act of self-determination, is now recognized as a genuine hoodwinking of all the peoples of the world, especially our people of Puerto Rico.

(Mr. Ojeda Ríos)

History is repeating itself. The Government of the United States is once again attempting to impose that shameful manoeuvre. A third alleged plebiscite constitutes tacit admission of the falsity of the process. This time they are trying to carry out a plebiscite at the very edge of the usual norms of decolonization, whose starting point is the transfer of power. This grand manoeuvre has the support of parties that have always been at the service of colonialism and acted as administrators of the colony. Also participating is an independence party that in no respect represents the feelings of the patriotic independence-minded masses of the country. If this process continues, it will serve only to legitimize the farce to benefit the oppressors and colonialists. The gravity of the challenge compels all Puerto Ricans who are aware of the danger ahead to close ranks and struggle fiercely to prevent a disaster.

The members of the Committee also have a degree of responsibility. At this historic time it is not possible to allow our people's fundamental rights of liberty and independence to be subject to negotiations between the major Powers and developed countries. It is the duty of those countries to defend the inalienable rights of the poor, the colonized and underdeveloped. They cannot think only of their own special interests in taking decisions that affect the very survival and legitimate rights of a people threatened with extinction because of the genocidal policies of the colonial Power. It is impossible to negotiate the unnegotiable, whatever the circumstances may be. I refer to our people's right to enjoy freedom as a people and to have an independent nation. It is the moral obligation of all progressive nations represented in this Committee, which have always benefited from the great sacrifices and solidarity of the struggling patriotic people of Puerto Rico, to make a recommendation in favour of our legitimate rights. To vote against us, to abstain or to fail to show up in accordance with their obligations vis-à-vis our human rights, which they have been chosen to protect, would be to

(Mr. Ojeda Ríos)

fail to meet a major responsibility, particularly at this time when all mankind is clearly striving for liberty, independence and social justice.

Specifically, we appeal to our Latin American brothers. Puerto Rico is a Latin American nation. We all know full well that the nations south of the Rio Grande have been victims of the exploiter - the United States of America - that has subjugated our own country. We can see how mercilessly its Government is acting against our peoples. History records its many invasions of sister countries - Guatemala; Haiti; the Dominican Republic; Honduras; El Salvador; Nicaragua; Grenada; Mexico, which in a vile act was robbed of part of its territory; Panama, whose people were brutally assassinated in indiscriminate bombings - and its continuing intent to eliminate the sister Republic of Cuba, that bastion of decorum and solidarity with those of us who are exploited and awareness of our Latin America.

We do not come here to beg. We come to demand compliance with what is your duty, distinguished delegates. You must rise above the interests of the nations you represent, and you must act to foster the legitimate interests of peoples such as ours that are forced to come before you in pursuit of faithful compliance with the tenets of justice and international law. It is the moral obligation of all representatives and the nations you represent to vote in favour of human rights, against colonialism and for the basic freedoms of our people.

I come to you in the name of an organization that has known how to fight in accordance with its rights. The Macheteros and other organizations that have taken up arms have continued the tradition of struggle by our people to achieve independence. Eighteen of our compatriots are now suffering long prison terms in exile, far from their people and their families. We have been arrested and subjected to prison terms for more than four years without proper trial and judgement, in violation of the Universal Declaration of Human Rights, which you

(Mr. Ojeda Ríos)

yourselves adopted in 1948. It was thanks only the pressure exerted by our people and internationally that we were given credence. Even so we are being burned as electrical charges are applied to our legs to prevent us from meeting our obligations as human beings and patriots. Hundreds of political prisoners are suffering in gaols, enduring the most horrendous prison conditions, condemned to terms longer than those imposed on any common criminal. And at the same time the existence of political prisoners is being consistently denied.

There is but one human, logical solution to this major problem afflicting our people: it is the immediate transfer of powers to begin a legitimate process of self-determination and decolonization; the immediate release from prison of all patriots who are struggling to liberate our homeland; an end to all accusations against Puerto Rican patriots; and demilitarization of the Puerto Rican island of Viequez, whose children have with impunity been victimized by the United States navy.

Only then will our people have the necessary freedom to carry out a plebiscite in keeping with the decolonization process and peacefully decide on our future without intervention by the colonialist Power.

Otherwise the imposition of this new farce will compel our people to turn into reality the prophecy of Mr. Patrick Buchanan, who, as adviser to President Reagan, said, and he was not mistaken, that the imposition of any form of annexation on our people would turn our homeland into another Northern Ireland. Let us add - and let no one have any doubt about this - that it could very well be worse, for injustice, attacks, oppression and the illegal exploitation by a nation of a defenceless people, as in the suffering imposed upon many Puerto Ricans forced to live in the United States, can only lead to a liberating reaction. This is the commitment of the Macheteros, because it is our obligation, in compliance with duty and the law.

(Mr. Ojeda Ríos)

Our freedom does not depend upon anyone else; it depends only upon the courage and resolve of our own people. That courage and resolve is unshakeable and irreversible.

We will be free because that is the will of the Puerto Rican people.

The petitioner withdrew.

At the invitation of the Chairman, Mr. Yamil Misla (Congreso Puertorriqueño de Naciones Unidas, Inc.) took a place at the Committee table.

The CHAIRMAN: I now call on Mr. Misla.

Mr. MISLA (interpretation from Spanish): My name is Yamil Misla. I am the President of the Congreso Puertorriqueño de Naciones Unidas. I am accompanied here by the Vice-President of the organization, Mr. Felix Miguel Gonzalez.

The Congreso Puertorriqueño de Naciones Unidas is a Puerto Rican youth organization made up of young people of intermediate and higher educational institutions. It is a non-profit organization inspired by the values and principles of the United Nations in its procedures and the objective of promoting interest in the work being carried out world wide by the United Nations. The assembly of the Congreso Puertorriqueño de Naciones Unidas has unanimously adopted the following statement, through which we would like to offer a brief historic overview, so that once and for all real action may be taken towards the final self-determination of and for the Puerto Rican people. It is our obligation and responsibility as a youth organization from Puerto Rico to put forward the historical reality of our country in order to promote a future with true hope for a Puerto Rico that is united in well-being, not forever ideologically and politically divided.

Puerto Rico is the oldest colony in the world. Our fate was sealed with the arrival of the famous Genoan explorer Christopher Columbus, who took possession of Puerto Rico in the name of the Catholic sovereigns of Spain in 1493. That is when the colonial history of our people began.

The influence of rationalism and the French and American revolutions had a deep impact on Spain and its colonies. The Constitution of Cadiz of 1812 was the

(Mr. Misla)

most important result of that influence. Through it, the powers of the king were limited and a Parliament elected by universal suffrage was established.

A constitutional monarchy was established. The Constitution did not have a bill of rights recognizing basic human rights. Through that document, the colonies became provinces of Spain with equal rights and the same citizenship. However, those benefits last only two years, because in 1814 the monarchy was restored and lasted until 1876.

Fortunately for us, in 1820 King Fernando VII recognized the Constitution of 1812, but once again that happy situation came to an end only three years later. In 1823, absolute monarchy was again restored. In that period of crisis, Puerto Rico was governed by Spain under an absolute monarchy until 1868. In that year, a revolution dethroned Queen Isabel II and in 1869 the Parliament passed a new Constitution with a bill of rights based on universal suffrage, a monarchy with limited powers, a judicial system, and a Parliament. But, as history shows, that situation also lasted very briefly. In 1876, a new Constitution was approved with minimal protection of civil rights and greater powers for the monarchy.

In November 1897, the charter of autonomy was adopted by Parliament. That was the most important step towards self-government under Spain. Puerto Ricans obtained the freedoms and rights expressed in the Constitution of 1897. Legislative power was invested in the island's chambers and the office of the Governor-General. The legislative power of the island's Parliament included any areas not specially and expressly reserved for the Parliament of the kingdom or the central Government. But once again, the rights conceded were eliminated and shortly thereafter the Spanish-American war broke out, ending in 1898 with the signing of the Treaty of Paris.

(Mr. Misla)

Thus, after 405 years of struggle to finally achieve sovereignty in local matters, basic human rights, the right to vote and legislative power, we were obliged to renew the struggle for sovereignty under the United States Government.

In 1898, we came under the power of the United States Congress under article IX of the Treaty of Paris, which states the following:

"The civil rights and political status of the native inhabitants of the territories hereby ceded to the United States shall be determined by the Congress".

The system of government of the United States of America has a Constitution based on the theory of limited powers. The federal Constitution recognizes the authority of the federal Government to enter into treaties with foreign nations as established in clause 2 of article VI of the federal Constitution. Thus, the United States acquired Puerto Rico, which, through clause 2, section 3 of article IV, was placed under the federal Congress.

In the case of the First National Bank versus County of Yankton, the Supreme Court resolved that every piece of land subject to the jurisdiction of the federal Government of the United States but not included as a state of the union had to be governed directly by Congress or indirectly in the name of Congress, which may delegate powers and conclude agreements with the territorial government. The broad powers conferred on Congress by the Constitution remain unchanged in perpetuity. Thus, Congress can use them at any time, including in the renewal of any agreement or pact.

In the exercise of that Constitutional power, Congress adopted the Foraker Act in 1900, which in many sections established a local Constitution for Puerto Rico. That Act - called the Organic Law - organized the Government of Puerto Rico and ended the military rule of the United States.

(Mr. Misla)

The same thing happened in 1917 with the Jones Act, a new organic law that reorganized our Government. Neither in 1900 with the Foraker Act nor in 1917 with the Jones Act did Puerto Rico have any participation in the legislative process, since it was not represented in Congress.

It is therefore clear the Puerto Rico had not achieved self-government, contrary to what is stated by United Nations General Assembly resolution 748 (VIII). The status of Puerto Rico did not change to one of self-government through a compact of free association, as provided for under General Assembly resolutions 742 (VIII) and 1514 (XV).

In the case of Nestlé Products Inc. versus the United States, it was resolved that the compact adopted by Congress in 1952

"is more of a regulatory nature and does not basically change the political relationship between Puerto Rico and the United States".

Thus, there was no change in juridical and political relations between 1950 and 1952, because there followed the adoption of an internal Constitution of limited local application, which in any event is a Congressional law, regardless of any other considerations.

Thus, present relations between Puerto Rico and the United States do not meet the criteria of the international community for a so-called "free association" with an independent state, as expressed in General Assembly resolutions 742 (VIII) and 1514 (XV).

(Mr. Misla)

The "Commonwealth" of Puerto Rico, as is shown by the legal history of Public Law 600 of the Congress, exists juridically, but only as a political corpus under the trusteeship of the Congress.

The "Commonwealth" of Puerto Rico - or the Estado Libre Associado de Puerto Rico, to use its Spanish name - exists juridically as a relationship between Puerto Rico and the United States. That term has nothing to do with the relationship between Puerto Rico and the United States established by resolution 22 of the Constituent Assembly of Puerto Rico.

That analysis of the colonial history reveals an extremely interesting fact - namely, that even when Puerto Rico attained a small degree of sovereignty and other fundamental rights, it subsequently lost them. We recall that, similarly, we were granted a degree of sovereignty under the Autonomous Charter of 1897 but soon lost all those powers, when we fell into the hands of the United States. Perhaps we shall have to wait to be invaded again, to have a third opportunity of falling into the hands of a metropolitan Power, and to begin again this apparently interminable struggle for sovereignty and self-government. We are young, but we are not prepared to wait 500 years more to obtain the sovereignty so longed for by our people.

The plebiscite process has begun to bear fruit in the Congress and in Puerto Rico. We hope finally to achieve self-government next year - 1991. We invite the Members of the United Nations to participate throughout this process, in order to make it fairer and more secure.

The people of Puerto Rico have waited for years for this Committee to take action, and a genuine solution has still not been found. If we want colonialism in the world to be eradicated by the year 2000, the Committee must commit itself to Puerto Rico's cause and now, more than ever before, must maintain its responsibility vis-à-vis the process of the decolonization of our country.

(Mr. Misla)

We hope that this day will not be forgotten. We urge the Committee not to disregard the statements made here with regard to our status, because we are the element that will have to live with the results of this entire process; we are the element that has been disregarded and denied real participation in the process.

We the Congreso Puertorriqueño de las Nacionas Unidas, Inc., by a general consensus, wish to place the following points before the members of this Committee:

First, we hope it will be recognized that Puerto Rico is a Territory not incorporated in the United States under the absolute sovereignty given the Congress by virtue of article IV, section 3, paragraph 2 of the Federal Constitution of the United States, under which any bilateral relationship between the two entities is null and void.

Secondly, we request this Committee to bring the case of Puerto Rico before the United Nations General Assembly, in order that immediate action can be taken to solve once and for all this problem that has caused such harm to our people.

Thirdly, we urge the General Assembly to declare null and void resolution 748 (VIII) of 1953, because, contrary to its very provisions, it is not in compliance with resolution 742 (VIII) and 1541 (XV).

Fourthly, we appeal to the United Nations to implement, by all the means available to it, Article 73 e of the United Nations Charter.

Fifthly, we believe that if a process is to be fair both to the United States Government and to the governmental institutions of the Commonwealth of Puerto Rico, an impartial position must be maintained.

We thank the representatives of the countries members of the Committee and the Chairman for giving our organization this opportunity to speak. We hope that the Committee will take immediate action on the case of Puerto Rico.

Mr. Misla withdrew.

At the invitation of the Chairman, Mrs. Dora García (National Committee to Free Puerto Rican Prisoners of War) took a place at the Committee table.

The CHAIRMAN: I now call on Mrs. Garcia.

Mrs. GARCIA: My name is Dora Garcíi. I am here today as a representative of the National Committee to Free Puerto Rican Prisoners of War, and on its behalf I would like to thank you for the opportunity to speak before you.

Five years ago political prisoner Jaime Delgado, then National Co-ordinator of our organization, and I were framed, and later indicted by, the Federal Bureau of Investigation (FBI) and the United States Government in an attempt to stifle the effective work of the National Committee, a public independentist organization that monitors the human rights violations of incarcerated Puerto Rican patriots and that seeks their unconditional release. This fabricated case, based on circumstantial evidence and testimony of agents provacoteurs, consisted of charges of conspiracy to effectuate the escape from prison of Puerto Rican patriot and prisoner of war Oscar Lopez Rivera, who was serving a 55-year sentence at Leavenworth Penitentiary in Kansas.

As a result, in 1987 Mr. Delgado and I were convicted and sentenced to four and three years in prison, respectively. Oscar Lopez Rivera was sentenced to an additional 25 years. I was released on 18 April 1990, and Jaime Delgado is scheduled to be released in September 1990.

There are 36 Puerto Rican patriots currently facing judicial persecution for their involvement in activities that advance the national liberation of our homeland, Puerto Rico. Of this total, 18 men and women are incarcerated in United States prisons; 13 of them have assumed the position of prisoner of war, which is premised on international law, as defined by the 1977 Additional Protocals I and II

(Mrs. García)

to the 1949 Geneva Convention. This position was taken by these patriots based on their belief that a state of war has existed between Puerto Rico and the United States ever since we were militarily invaded in 1898. For this stance and for their refusal to acknowledge the legitimacy of the United States courts, excessively severe sentences, ranging from 35 years to life, were imposed on them.

The 4th of April, 1990, marked 10 years of incarceration for 11 of these patriots. Their prison conditions reflect the tactics of a massive counter-insurgency plan implemented by the United States to destroy the Puerto Rican independence movement. During these 10 long years they have been singled out and have endured the sophisticated techniques of a penal system that specializes in psychological torture and other acts of cruel and unusual punishment. International law against torture is not limited to condemnations of systematic beatings or electric shock. Psychological torture, total isolation, sensory deprivation, denial of medical care, deprivation of sleep, the use of control units, grossly excessive sentences, preventive detention, separation from family and friends by being placed in prisons thousands of miles away, blatant interference with legal visits and correspondence, and sexual abuse, particularly against women, are all universally recognized as forms of torture. Each of these methods has been used against our patriots. The permanence of the damage that the psychological torture has caused cannot yet be measured. However, preliminary findings by such prominent psychologists as Dr. Richard Thorn and Ilsa Echagaray have indicated that the effects will be profound and long lasting.

(Mrs. García)

Prisoners-of-war Ida Luz Rodriguez and Haydee Beltran were kept in a special control unit, by themselves, at Alderson, West Virginia for over nine months. Prisoner-of-war Alejandrina Torres, along with two anti-imperialist political prisoners, Silvia Baraldini and Susan Rosenberg, was trapped and buried alive for over two years in the Bureau of Prisons most costly and infamous dungeon, the Lexington Control Unit. This prison within a prison was a special experimental mission specifically designed to break the will and spirit of political women. The unit was finally shut down in 1989 after a massive national campaign and international outcry.

Prisoner-of-war Oscar Lopez-Rivera has spent the last four years in total lockdown at Marion Penitentiary, the maximum security prison with the highest security in the federal system. In an independent study, the John Howard Association found that Marion

"is not a normal maximum security prison on lockdown status, but rather a firmly established, fully functioning behavior modification program".

During this time, in an effort to strip Oscar Lopez of his individual, political identity, the Government has slow-walked him through Marion's behaviour modification programme. After months of clean conduct in excruciating isolation, Oscar was finally moved to the pre-release unit, supposedly the last steps before a transfer to a regular maximum security prison. In June 1990 Mr. Lopez was handcuffed and placed in segregation, set up and accused of having a homemade knife and handcuff keys in his cell. This set-up will subject him to another indefinite term in Marion's mind control programme under conditions condemned by Amnesty International as violating virtually every one of the United States standard minimum rules for the treatment of prisoners. It will provide the justification that the Government needs to transfer him to a more sophisticated and higher security maximum control unit currently under construction in Florence, Colorado.

(Mrs. García)

In the past year, with total disregard for the most binding of human relationships, prison officials denied furloughs to prisoner-of-war Carmen Valentin and prisoner-of-war Ricardo Jimenez to visit their dying father and mother, respectively, and then denied them the right to attend their funerals. Prisoners-of-war Elizam Escobar, Carlos Alberto Torres, Luis Rosa and my co-defendant, Jaime Delgado, in separate incidents were arbitrarily placed in segregation for several weeks under the guise of internal prison investigations and then reintegrated into the general population without being charged with wrongdoing and without further explanations.

Political prisoner Jaime Delgado and I were made to serve our prison terms in more maximum security settings than the Bureau of Prisons "objective" criteria indicate, solely because of our commitment to Puerto Rican independence. I should like to interject at this point that it was only after an extensive interrogation and harassment by the probation office about my associations and affiliations that I was granted permission to travel here today.

I come before the Committee to make a political as well as a personal appeal. The decade of the 1990s will definitely be a watershed for human liberation. The United Nations, with the United States as the sole objector, has proclaimed it as the Decade to end colonialism. It will mark the 500th anniversary of the European conquest of the Americas, which initiated the modern forms of racism and colonialism. It is a decade that has been ushered in by an extraordinary unfettering of the human spirit all over the world, from Beijing to Johannesburg, from Namibia to El Salvador. This decade has also been inaugurated by the release of untold numbers of political prisoners, including Nelson Mandela, the heroic African National Congress leader whose release has been celebrated the world over.

(Mrs. García)

It is important to note that Nelson Mandela was charged with seditious conspiracy, the exact charge for which all of our prisoners-of-war are serving outrageously long sentences.

In this same period the United States is trying to create the impression that the colonial question of Puerto Rico will be resolved through its own concocted referendum, in order to sway world opinion in its favour. I urge the Special Committee to keep the colonial issue of Puerto Rico on its agenda. I ask that all legal proceedings against independentistas awaiting trial be stopped, and that all forms of persecution cease against those whc struggle for the independence of Puerto Rico. I also ask that the Committee demand with urgency that the United States, as an act of good faith, if nothing else, in the light of the openness and the spirit of negotiation that prevails in the world today, grant an unconditional amnesty to all Puerto Rican prisoners-of-war and political prisoners.

Mrs. García withdrew.

At the invitation of the Chairman, Mrs. Paquita Pesquera (Asociación Puertorriqueña de Profesores Universitarios) took a place at the Committee table.

The CHAIRMAN: I call upon Mrs. Pesquera.

Mrs. PESQUERA (interpretation from Spanish): I am Paquita Pesquera Cantellops, Vice-Chairman of the Asociacion Puertorriqueña de Profesores Universitarios. I am accompanied by Professor Arturo Melendez, who, for health reasons, cannot read out our statement, which is entitled "Repression and privatization in the University of Puerto Rico".

The Puerto Rican Association of University Professors is appearing before the Committee to denounce two of the most recent forms of the penetration of United States imperialism in Puerto Rico, particularly in its State university.

(Mrs. Pesquera)

The first is the imposition on university students of compulsory military service as an essential condition of their receiving financial help for their higher education studies. Not satisfied with being able to send our young people off to its wars and to conduct in our university a four-year military training programme, known by its initials in English as ROTC - Reserve Officers Training Course - in which hundreds of our poorest students have to study in order to subsist economically, the imperialists now want also to have the almost supreme right to make all our university students choose between having a university education and joining a foreign army.

In a system in which most poor young people have few choices other than the army or unemployment, the alternative of university studies is made shameful, because the price is to become available to go off to the imperialists' wars, which is against the conscience of the great majority. There is an outstanding example here of what Jesse Jackson told the Committee four or five years ago, when he declared that the United States Government had to abandon its practice of making Puerto Ricans choose between their dignity and United States dollars.

The University of Puerto Rico is also a recruiting centre for employees of repressive United States agencies such as the Federal Bureau of Investigation (FBI), the Central Intelligence Agency (CIA) and the National Security Agency (NSA), among others. The advanced military training programme is another source of employment, especially for poor students. Their many duties include not only learning to kill, but also to spy on their own countrymen or the revolutionaries of other countries fighting for the socio-economic freedom of their inhabitants.

(Mrs. Pesquera)

The most recent form of imperialist penetration in Puerto Rico, one which threatens our university, is the privatization of public services. A few days ago the local legislature passed an Act to privatize a piece of Puerto Rican beach land; the land is to be sold, together with three of our main hotels, to a United States multinational company, Flagship Hospitality of Texas. On the same day the House of Representatives of Puerto Rico approved the privatization of the highways of Puerto Rico. In addition, several public hospitals have been privatized. It is interesting to note that they were the ones that had been operating excellently. Furthermore, there are plans to privatize our four telephone companies and parts of the water, electricity and public transport companies, among others.

(Mrs. Pesquera)

And to top it all, this economic policy of imperialism has become a norm to be followed by the Government of Puerto Rico, by all its agencies, and has been extended even to the State university. After its significant and serious impairment by the privatization of all Puerto Rican education begiinning in the 1950s, there is now a threat to the State university as our last source for disseminating, in so far as we are able, formative knowledge and the development of a critical consciousness and independence of opinion and as the bulwark of national and universal values and of scientific knowledge, in the service of the people.

The privatization that has permeated the entire social and economic life of Puerto Rico in recent months is now taking the form of an "entrepreneurial style", and its promoter is the university's flamboyant President, Dr. Manual Saldaña.

In graduation speeches made at four different campuses of our university between 6 and 10 June this year and in another speech made on 22 June at the Annual Convention of the Chamber of Commerce of Puerto Rico, Dr. Saldaña stressed the new entrepreneurial style that he felt should be the guiding light of public higher education in Puerto Rico. In the last of those speeches he said:

> "The relevance of research and participation in the provision of services will be achieved when the university participates in, and responds to the demands of, public and private enterprise."

At an institution where during the 1950s the United States Government carried out experiments with bacteria and its navy established programmes and laboratories to experiment with cosmic rays and microwaves; where from 1963 to 1966 the Federal Departments of Defense and Agriculture carried out experiments in seven forests on the destructive powers of 44 herbicides and defoliants, including Agent Orange; where between February and April 1965 the Federal Atomic Energy Commission carried out experiments in El Yunque on the harmful effects of the nuclear energy of gamma

(Mrs. Pesquera)

rays; and where for the past five years the National Aeronautics and Space Administration of the United States (NASA) has been carrying out experiments supposedly on the radiation effects of artificial satellites on our forests - with all these signs, it is not surprising that these experiments should be increasing with the so-called entrepreneurial style that the authorities are openly and outspokenly promoting.

For this reason we wonder: what kind of entrepreneurial style are they trying to expand in the University of Puerto Rico? It is not the style of the great captain of industry who, like Goethe's Faust, would snatch lands from the sea in order to build cities where, despite the pain and suffering involved, a happy people springs up, as happy as the German literary genius could imagine, given his class limitations. It is not the University of Puerto Rico development its enterprises to a much larger extent than heretofore, making large investments in business in order to help development and create new sources of employment for Puerto Ricans, while maintaining academic and administrative independence.

No, what is of interest is that the resources of the university should be made available to Federal agencies and United States transnational corporations. Therefore one of the favourite forms of this "entrepreneurial style" is that of "donations". The corporation or Government agency gives the institution financial resources on condition that they be invested so as to give economic benefits to the "donors" in the long term. Such is the case of the solar-powered automobile which recently participated in a competition in the United States.

Another form of this "entrepreneurial style" at the University of Puerto Rico is the conversion of its campuses into centres for the recruitment of employees, especially those sho specialize in technological professions. This is the case at the Mayaguez campus, whose graduating classes in engineering are recruited in their entirety, even before graduation, by NASA and various multinational enterprises.

(Mrs. Pesquera)

We thus lose the investments made by our people to produce the skilled engineers it so badly needs. In order to appreciate the waste entailed in this practice, one must understand that the training of each student who graduates as an engineer costs the Puerto Rican people $200,000. That figure was made public by the distinguished Puerto Rican economist Dr. Jaime Santiago Melendez, Director of the Office of Budget and Management, in the period between 1972 and 1976, of the then Governor and current incumbent, Rafael Hernandez Colon.

This free-enterprise policy at the University of Puerto Rico will give the large multinational corporations greater power than they already have to interfere in academic decisions. From the curriculum to the educational philisophy of the State university, the academic function is at their mercy, as has been the case at private universities. The latter are supported economically by the United States Government in exchange for producing the kind of human being the United States is interested in: a citizen knowledgeable in technical affairs, as specialized as possible, with no awareness of the relationship of his knowledge to other kinds of knowledge and to the highest human values, a one-dimensional, uncritical, intimidated and conformist citizen with no opinion of his own and no awareness of the complexity of knowledge, social life and interrelationships. This is what they are now trying to produce at the University of Puerto Rico.

(Mrs. Pesquera)

its teachers, students, professors and administrators must operate in an environment of absolute self-determination not only so as to seek scientific truth in education, teaching and training, but also that it can propogate it within and outside the university as an essential means of making the people aware of the possibility of making correct decisions in the exercise of its sovereignty in any true democracy.

In the face of this sitution one may well wonder how it is possible for a public university of Puerto Rico to respect the rule passed by our legislature demanding that that univesity enjoy full freedom in the dissemination of truth when Puerto Rico is a political, economic and cultural colony of the United States and when the local government is subject to the supreme will and determination of the United States Congress, under paragraph 2, article IV of the United States Constitution?

(Mrs. Pesquera)

For decades, we Puerto Ricans who believe in freedom have been making the pilgrimage from our beloved Puerto Rican archipelago to come here and tell you the truth about our political and human condition and ask you to do justice in our case. Today we repeat that request, quoting the most universal Puerto Rican thinker of the century, Eugenio Maria de Hostos, the author of Bayoán Pilgrimage, who said:

"Above and beyond the pleasure of truth is the pleasure of justice. For, after all, what is the value of truth and true knowledge if it is not to promote justice among men?"

Let a call be issued once again, through the Special Committee, that the Government of the United States of America should, without delay, transfer to the people of Puerto Rico, in accordance with international law, the supreme and sovereign power which has been usurped from it by that Government. If it does not do so, the case should be moved to the General Assembly, so that the latter may perform its lawful function in order to ensure that Puerto Rico finally exercises its right to self-determination and independence, as required under the terms of General Assembly resolution 1514 (XV).

Mrs. Pesquera withdrew.

At the invitation of the Chairman, Mrs. Rosa Meneses (Partido Nacionalista de Puerto Rico) took a place at the Committee table.

The CHAIRMAN: I call on Mrs. Meneses.

Mrs. MENESES (interpretation from Spanish): My name is Rosa Meneses, and I am speaking on behalf of the Partido Nacionalista de Puerto Rico.

Puerto Rico, the smallest and easternmost island of the Greater Antilles, is one of the last colonies left in the world today. Invaded militarily by United States troops in 1898, it has lived through the past 92 years of military

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occupation under whatever form of civilian government was imposed upon the island by the United States Government according to the needs of the historical moment.

The presence of the United States in Puerto Rico through all those years has been defended by means of the legal machinery which guaranteed its imperial power: the Foraker Act, or First Organic Charter, of 1900; the Jones Act, of 2 March 1917, which imposed United States citizenship upon Puerto Ricans, depriving them of their only true identity, making it possible to use them in the First World War and institutionalizing colonialism with respect to individuals; and Public Law 600, intended to validate relations between the United States and Puerto Rico, relations based on force beginning on 25 July 1898 with the invasion of Puerto Rican territory - a manoeuvre carried out to enhance the international image of the United States and to control the situation inside Puerto Rico.

Throughout those years, the metropolitan country, supported by the colonial Government, combined the granting of certain reforms with a policy of repression in order to control the international situation.

Puerto Rico, a nation with a long heroic tradition, has produced outstanding figures of world-wide fame and has demonstrated to the world through its struggles the unshakeable determination of a people to exist. It has endured years and years of constant attacks on Puerto Rican nationhood; plans of all kinds aimed at making it more dependent on the metropolitan country; attempts to assimilate the Boricua nation; years of intrigue, of repression, of unjustifiable crimes which the United States has tried to justify at all costs; years of extensive and intensive violations of human rights and pollution of the environment; years and years during which Puerto Rican territory has been used for United States military purposes in the region and in the world at large and for United States experiments directed against mankind as a whole; years of scorn and contempt and years of being

(Mrs. Meneses)

underestimated. This is what has characterized the entire period of United States presence in Puerto Rico.

At present the country is living through very difficult times, caused, once again, by the policy designed for our country by the United States and obviously conditioned by the interests imposed by the current situation. The situation of our society in general is not only difficult but truly depressing. Hence, the United States presence in Puerto Rico is now confronted by pressures in the areas of communal interests, social demands, the struggle against unemployment, corruption, crime, drug addiction, health problems and social decay in general, the flourishing labour movement, the existence of a struggle for national independence - which manifests itself in political organizations, some of which are clandestine - in addition to international pressures which denounce the true colonial nature of the United States Government.

The model designed to conceal this situation is no longer viable. The United Nations, this very forum, has given validity year after year, through various resolutions that have been adopted, to the right of Puerto Rico to self-determination and independence. The last decade of this century has been designated as the International Decade for the Eradication of Colonialism. The United States knows that it must do something new which will satisfy these international requirements, mask the colonial domination of Puerto Rico by the United States and validate the latter's presence in Puerto Rico.

The international situation has placed Latin America at the forefront of United States interests for the coming years, and Puerto Rico, in accordance with the economic and military policy that the United States has designed for the hemisphere, has a special role to play. In the face of this situation, the United States is compelled to try, on the one hand, to satisfy national needs and meet the

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demands created by the present chaos in Puerto Rican society and, on the other hand, to meet the international needs which demand a resolution of the country's colonial status.

At the national level, the official response to the problems which confront the Puerto Rican people daily, and which threaten its very survival, has not been to try to resolve the problem of dependency, created by imperialist rule itself, nor to develop a solid national economy, but on the contrary, to foster the privatization of public services and their sale to foreign interests.

In order to satisfy the demands of the international community to validate the United States presence in Puerto Rico and satisfy the requirements of decolonization, the United States has for some time been talking about and trying to hold a plebiscite in Puerto Rico, in which the Puerto Rican people will supposedly speak out on its political future.

This is merely one more deceitful manoeuvre designed to achieve the same goal as in 1952, namely, the continuation of colonialism, and to give the appearance that the Puerto Rican people has democratically decided its political future. This is a deception. The reality is that the United States has no intention whatsoever of putting an end to colonialism. Looking at this matter dispassionately, we are speaking about the survival of Puerto Rico as a people and as a nation.

The liberation movement of Puerto Rico, represented by the Partido Nacionalista de Puerto Rico, is now reorganizing its ranks because our nation is once again in danger. The United States Government's authorities say that it is the duty of that Government to allow the people of Puerto Rico to express itself democratically because it has never had the chance to exercise that right. The United States itself explicitly recognizes the colonial rule which it exercises over Puerto Rico. The only duty it has is to withdraw immediately from Puerto

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Rican soil, to remove its repressive agencies and to evacuate its military from Boricua national territory, allowing the Puerto Rican nation to decide its future freely without any coercion.

A slave is not asked whether he wants to be free; he is simply released from bondage. The right to decide the status of Puerto Rico rests exclusively with the people of Puerto Rico. Restoring a homeland requires a consensus, and such consensus can be achieved only through the deliberations of a constituent assembly representing all the vital forces in the country. The legality of such a procedure is indisputable, because the right of the people peaceably to assemble in order to demand a Government worthy of itself and in keeping with its legitimate aspirations is an inalienable right, and this is a principle that informs all political institutions, including those of the United States.

(Mrs. Meneses)

A congressional bill accepted by the people would achieve, in a plebiscite, the goals of a constitutent assembly: a result to the liking of the governed. First of all, the men and women of the United States Congress cannot fully understand our points of view, even if they are familiar with our history and our institutions. Secondly, the plebiscite is subject to influence by the powerful, and is not something on which straightforward agreement can be reached.

Therefore there is a need for a constitutent assembly. Calling on the Congress and President of the United States to explain their aims with respect to Puerto Rican status does not annul our people's right to define its own status. But a specific statement of those powers could obliterate Puerto Rican public opinion if this runs counter to the views of the authorities I have mentioned. That would run counter to the principles of the United States institutions themselves.

A plebiscite is a legislative formula for consulting the will of the inhabitants of a piece of territory where a dispute between two nations is impossible to delineate. It is never used to determine the will of a duly constituted nation such as Puerto Rico. To ask whether a country wants to be free is an insult to that nation, and is an insidious manoeuvre to divide the nation, jeopardizing its very existence as a free, sovereign and independent nation. That cannot be permitted, ever.

In the face of military invasion and occupation, the Puerto Rican nation has the right to establish its own legal personality. It cannot be subjugated, for it will never agree to its own extinction. The conditions are those of a highly adverse situation imposed by the occupying Power: it is a question of the foreign occupation of Puerto Rico.

(Mrs. Meneses)

The Partido Nacionalista de Puerto Rico, consistent with its peace-loving principles, calls on the United Nations and this Committee, the caretakers of the freedom of our people, to take the action necessary to ensure that Puerto Rico may freely determine its future. The Movimiento Libertador de Puerto Rico and the Puerto Rican people, with full respect for justice and peace, ask that this Committee and the international community at large remain seized of the question of Puerto Rico and, on the eve of the twenty-first century and during the International Decade for the Eradication of Colonialism, that it not allow the perpetration of a fraud endangering a colonial country and posing a threat to the hemisphere and the entire world. No one knows how far a nation will go when its very existence is threatened. Throughout its history, the Puerto Rican people has shown that it will not hesitate to use all necessary means to guarantee its final, inalienable independence.

Mrs. Meneses withdrew.

The CHAIRMAN: In this first of two days devoted to this item, we have heard only one third of the listed speakers. Both to expedite the work of the Committee and to give an opportunity to all speakers to make their statements, I urge future speakers to be as brief as possible.

The meeting rose at 6.25 p.m.